



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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PREFILED BILLS INTRODUCED

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IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H. 4204 SALES BY PERMITTED WINERIES Rep. McLeod

Currently, permitted wineries that produce and sell wine that is produced on its premises are required to use a majority of the juice from fruit and berries grown in this state. This bill deletes this requirement. The bill also allows the wine produced from the winery location to be shipped out of state.

H.4218 VENOMOUS REPTILES, CONSTRICTING SNAKES AND CROCODILIANS REGULATIONS Rep. Kirsh

This bill provides for the regulation of venomous reptiles, constricting snakes, and crocodilians, including specifications for housing and transportation enclosures.

H.4285 SURFACE WATER WITHDRAWAL AND REPORTING ACT Rep. Bowen

This bill provides that, subject to certain exceptions, surface water withdrawals must be made pursuant to a permit. As a result, this bill provides for permitting requirements along with many comprehensive revisions regarding water rights and usage.

EDUCATION AND PUBLIC WORKS

H.4183 CHILD PASSENGER RESTRAINT SYSTEMS Rep. Sellers

This bill increases the maximum age of a child who must be restrained in a child passenger restraint system. Currently, child restraint systems must be used when transporting a child five years of age or younger; this bill requires the use of child restraint systems when transporting a child less than eight years of age.

H.4184 MOTOR VEHICLE SUNSCREEN DEVICES Rep. Rutherford

The bill revises the permitted level of light transmission for suncreening devices installed on the windshield, side windows and rear window of a motor vehicle.

H.4185 INCREASED SPEED LIMITS ON INTERSTATE HIGHWAYS AND FREEWAYS Rep. Rutherford

This bill increases the maximum speed limit that may be posted along interstate highways and freeways from 70 to 80 miles an hour.

H.4186 BIOPTIC TELESCOPIC LENSES Rep. Umphlett

The legislation allows certain persons that wear bioptic telescopic lenses for vision assistance to obtain a driver's license.

H.4187 POWERS AS TO AIRPORTS AND LANDING FIELDS Rep. White

Relating to the powers that an entity has to establish an airport or landing field or acquire, lease, or set apart property for that purpose, this bill deletes a provision that limits the term of a lease of airports or landing fields to private parties for operation.

H.4188 *SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR CERTAIN CONTROLLED SUBSTANCE CONVICTIONS* Rep. Sellers

Current law provides for a mandatory suspension of a person's driver's license for controlled substance violations involving hashish or marijuana. This bill provides that a driver's license suspension under these circumstances is optional and no longer mandatory.

H.4189 *UNLAWFUL TO DRIVE A MOTOR VEHICLE WHILE TEXT MESSAGING, TEXTING, RECEIVING OR READING TEXT MESSAGES OR PRINTED MATERIALS* Rep. Bowen

This legislation provides that it is unlawful to drive a motor vehicle while text messaging, texting, receiving or reading text messages or printed materials. If an arresting officer has probable cause to believe the motorist has violated these provision, the officer may seize and review the cellular telephone transmitting or receiving device upon which the text messaging occurred to ascertain whether the text messaging occurred at or about the time of the violation and may subpoena the telephones records. A person who violates these provisions and no bodily injury occurs is guilty of a misdemeanor. There are increased penalties for second and subsequent offenses. If bodily injury or death occurs, then the person is guilty of a felony. The legislation also provides for the suspension of a person's drivers license under certain circumstances.

H.4190 *UNLAWFUL FOR A PERSON TO USE A HANDHELD WIRELESS COMMUNICATIONS DEVICE WHILE DRIVING A MOTOR VEHICLE* Rep. Sellers

Under this bill, it is unlawful for a person to operate a motor vehicle in motion while using a handheld wireless communications device. A person who violates this section shall have two points assessed against his driving record and be fined \$125.

H.4194 *HALF-DAY FOUR YEAR OLD EDUCATION PROGRAMS* Rep. G. M. Smith

Relating to powers and responsibilities of the State Board of Education, this bill provides that board regulations concerning half-day four year old education programs may not require home visits by school district personnel. Relating to school district early childhood initiatives, this bill further provides that district plans may not include home visits by school district personnel.

H.4196 *TEACHER EMPLOYMENT* Rep. H. B. Brown

Under this bill, school trustees no longer have the duty of the employing and discharging teachers. This bill provides that the superintendent of the school district shall notify teachers of continued employment. Relating to priority for certified personnel in rehiring, this bill revises notice requirements. Relating to notification of acceptance of reemployment, the bill requires the teacher to notify the superintendent of acceptance. Relating to dismissal of teachers, the bill further provides that notice must be given by the superintendent.

H.4197 *HIGH SCHOOL GRADUATION DATA* Rep. Sellers

This legislation provides that by September first of each year, the State Department of Education shall release high school graduation rate data for all the schools of the State based on race or ethnicity. The legislation further deletes all references to the Education Oversight Committee in the South Carolina Code of Laws.

H. 4227 ABOLITION OF THE COMMISSION ON HIGHER EDUCATION

Rep. Merrill

This bill abolishes the Commission on Higher Education with its powers and duties devolved to the individual college boards of trustees, except for powers and duties concerning scholarships and grants, which are devolved to the office of the State Treasurer. Savings realized must be returned to the general fund or be used for classroom purposes as determined by the General Assembly in the annual appropriations act.

H. 4243 CHARTER SCHOOLS Rep. Owens

This bill outlines a charter school sponsor's authority and responsibilities, including a clarification that the sponsor must provide information to the public on charter school options to the same extent that information is provided about all public schools in the district; authorizes a local charter school sponsor fee of up to 2% of the current year's base student cost, as funded by the General Assembly, to be used only for fulfilling sponsor obligations. Authorizes the SC Public Charter School District to retain up to 2% of one and one-half times the current year's base student cost (as provided in Section 59-40-140(B) of the bill), as funded by the General Assembly, to be used only for fulfilling sponsor obligations. Establishes in the state treasury a revolving facilities loan program for construction, purchase, renovation, and maintenance of public charter school facilities; adds a seventh purpose to the Act - innovation and closing achievement gaps; provides for single gender charter schools; clarifies that the sponsor is the Local Education Agency (LEA) and the charter school is a school within that LEA; clarifies sponsor's responsibility for ensuring that special education students in charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law; adds a definition for "charter school contract" and for "resident public school." Requires that at least 1/3 of the board positions at a charter school must be open for election annually, allowing for staggered terms of no more than three years; board members may be reelected for consecutive terms as allowed by the charter school's bylaws. Provides that charter schools are eligible for federal and state sponsored leagues, competitions, awards, scholarships, grants, to the same extent as all other public schools. Authorizes and provides for charter school students' participation in extracurricular activities at the student's resident school if the activities are not available at the charter school. Provides that a charter school may enter into a contract with a school district or a private provider for transportation of the charter school's students; in addition, includes clarification regarding contracts, various associations, attendance areas, budgets, and the disposition of state and federal funds.

H. 4244 ADDS A TRUSTEE TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES Rep. Limehouse

This bill adds a trustee (seat number seventeen, four year term) to the College of Charleston Board with that member to be appointed by the Alumni Association Board of Directors.

H. 4246 SCHOOL DISTRICT PROFESSIONAL CONDUCT Rep. Bowen

A salaried employee of a school district may not (during normal paid work hours) develop educational materials designed for use outside of the district (nor use district equipment to do so).

H. 4248 CRIMINAL BACKGROUND CHECKS FOR SUBSTITUTE TEACHERS
Rep. Horne

This bill requires substitute teachers to have criminal background checks. A district has some flexibility in the use of the information, but any policy must prohibit hiring those convicted of violent crimes (SLED is to assist in training in the use of information). Includes school districts in the fee of eight dollars as pertains to hiring substitutes, tutors, coaches and school volunteers.

H. 4250 CREATES THE TECHNICAL COLLEGE OF THE LOWCOUNTRY
ENTERPRISE CAMPUS AUTHORITY Rep. Erickson

This bill creates the Technical College of the Lowcountry Enterprise Campus Authority.

H. 4259 UNLAWFUL FOR A PERSON TO USE A HANDHELD WIRELESS
COMMUNICATIONS DEVICE FOR TEXTING WHILE DRIVING A
MOTOR VEHICLE Rep. J.E. Smith

This bill prohibits operating a moving vehicle while using a text device (writing, receiving or any kind of reading device). Fines of \$250 or 30 days in jail with license suspension of one month for the first offense (with \$1,000 fine/ 60 days in jail for the second offense and \$2,500 fine / 90 days in jail for the third offense). A violation that causes injury results in imprisonment of up to 10 years; that causes death, from 5 to 20 years. Also establishes license point penalties.

H. 4260 STREET CLOSING NOTICE REQUIREMENTS Rep. R.L. Brown

This bill requires posting on the street considerations to close a street.

H. 4263 FUNDS FROM RIGHT OF WAYS TO PAY FOR DEBT Rep. Chalk

Funds from the sale of rights of way are first to pay for debt on the highway project with remaining funds going to "C" fund distribution.

H. 4279 CONSTITUTIONAL AMENDMENT TO MAKE HOUSE MEMBER
TERMS FOUR YEARS Rep. Hosey

This bill makes House terms four years.

H. 4280 HIGHWAY PATROL-RETIRED LICENSE PLATES Rep M.A. Pitts

This bill permits DMV to issue SC Highway Patrol-Retired license plates.

H. 4281 MOPEDS Rep J.M. Neal

This bill changes the definition of Moped (changes references to pedals, braking horsepower and maximum MPH).

H. 4282 UNLAWFUL FOR A PERSON TO USE A HANDHELD WIRELESS
COMMUNICATIONS DEVICE WHILE DRIVING A MOTOR VEHICLE
Rep. D.C. Smith

This bill prohibits operating a moving vehicle while using a hand held mobile phone (including writing or sending text), with exceptions for reporting emergencies. Does not apply to emergency and towing vehicles. Allows for hands free devices. Fines of not more than \$100.

JUDICIARY

H.4168 HOUSE RESOLUTION TO IMPEACH THE GOVERNOR Rep. Delleney

This is a house resolution to provide that pursuant to Article XV, Section 1, of the State Constitution the Governor of South Carolina, the Honorable Marshall C. Sanford, Jr., is impeached for serious misconduct in office.

H.4182 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO TERMS OF OFFICE OF THE LIEUTENANT GOVERNOR Rep. Scott

This joint resolution proposes to amend the State Constitution relating to the Lieutenant Governor. Beginning with the person elected Lieutenant Governor in the general election of 2014, this joint resolution provides that no person may be elected for more than two successive terms. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.4191 PROHIBITIONS ON WIRELESS COMMUNICATIONS DEVICES ON A DEPARTMENT OF CORRECTIONS FACILITY OR PROVIDING SUCH DEVICES TO INMATES Rep. Kirsh

Except as authorized by the Department of Corrections (DOC), this bill makes it unlawful, with certain exceptions, for a person to have wireless communication devices on a DOC facility. Exceptions are provided for motor vehicles in parking lots. This bill also makes it unlawful for knowingly give or sell a mobile telephone or another wireless communications device, or their components to an inmate confined in a DOC facility or in a local detention facility, or knowingly give or sell a mobile telephone, wireless communications device, or their components to a person who is not an inmate for delivery to an inmate. Both offenses are misdemeanors.

H.4192 REINSTATEMENT OF A PERMANENTLY REVOKED DRIVER'S LICENSE Rep. Harrison

This bill provides that certain persons who have had their driver's licenses permanently revoked and who have petitioned the circuit court for reinstatement of their driver's licenses must serve copies of the petition on both the circuit solicitor and the Director of the Department of Motor Vehicles (DMV). The bill further provides that the solicitor and the Director of the DMV, or their designees, may respond to the petition and demand a hearing on the merits of the petition or have the courts consider affidavits submitted by the petitioner and the solicitor, or the Director of the DMV, or their designees when determining whether conditions for driving privilege reinstatement have been met by the petitioner. The legislation also revises the conditions upon which a driver's license may be reinstated.

H.4199 SEXUALLY VIOLENT PREDATORS Rep. Harrison

This bill makes various revisions relating to sexually violent predators. Relating to the effective date of parole or conditional release of sexually violent predators, this bill provides that the parole or conditional release order does not take effect for 180 days, rather than 90 days, after issuance of the order. Relating to the facility in which a person must be held after probable cause is found to exist that the person is a sexually violent predator, this bill requires that the person only be held in a local or regional detention facility. Relating to the time within which a jury trial must be requested and held to

determine if a person is a sexually violent predator, this bill provides that a jury trial must be requested within 30 days after an evaluator issues an opinion and the trial must be held within 60 days of issuance of the opinion. Upon receipt of the issuance of the opinion, either party may retain his own expert to conduct an evaluation. Relating to the facility in which a person must be held upon a mistrial in determining if the person is a sexually violent predator, this bill requires that the person only be held in a local or regional detention facility. Relating to procedures required when the Director of the Department of Mental Health determines a person committed to the department as a sexually violent predator is no longer likely to commit acts of sexual violence, the bill requires the director to certify this determination in writing and to notify the Attorney General of this certification and of the patient's authorization to petition the court for release and to provide that the Attorney General may request an examination before a hearing on the release is held and to further provide that either party may request that the hearing be held before a jury.

H.4201 COMMON LAW MARRIAGE Rep. G. A. Brown

Under this bill, common law marriage in the State may not be recognized on and after December 31, 2010; an exception is provided for common law marriages existing as of December 31, 2010. The bill also repeals a code section relating to the validity of a marriage contracted without the issuance of a license.

H.4202 CRIMINAL PENALTIES FOR TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES Rep. Mitchell

Relating to trafficking in persons for forced labor or services, this bill provides a mandatory minimum penalty of five years for a person who commits the offense as well as increases the maximum penalty from fifteen to thirty years.

H.4205 EXCEPTIONS TO DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT Rep. G. R. Smith

Relating to destruction of criminal records when a charge is dismissed or the person is found innocent, this bill provides that these provisions do not apply to violations of Title 50 or Title 56 in which a record is not maintained that requires destruction.

H.4206 INTRODUCTION OF EVIDENCE OF THE USE OF A CELL PHONE OR OTHER ELECTRONIC HANDHELD COMMUNICATIONS DEVICE AT THE TIME OF A MOTOR VEHICLE ACCIDENT IN A CIVIL ACTION Rep. G. R. Smith

This bill allows the use of a cell phone or other electronic handheld communications device at the time of a motor vehicle accident to be introduced as evidence of comparative negligence in a civil action. Use of a cell phone or other electronic handheld communications device may be used to reduce liability based upon an apportionment of damages attributed to its use. A person is not guilty of a violation of this section if the: (1) person is using the cell phone or wireless communications device to respond to an emergency that presents an imminent risk of death or serious bodily harm to the person or another; or (2) cell phone or other electronic communications device is equipped with and operated with a hands-free mechanism.

H.4207 QUALIFICATIONS FOR REGISTRATION TO VOTE Rep. Clemmons

If a United States citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then under this bill that person is eligible

to register and vote where the person's parent is a qualified elector. The bill also authorizes a person to vote by absentee ballot if he or a parent last resided in this state immediately before his or his parents' departure from the United States.

**H.4208 TIME CHANGE FOR EXAMINING ABSENTEE BALLOTS ON
ELECTION DAY Rep. Clemmons**

Relating to notices of general, municipal, special, and primary elections, this bill changes from 2:00 p.m. to 9:00 a.m. the time that the process for examining the return-addressed envelopes containing absentee ballots may begin on election day.

**H.4210 ELECTION OF THE DIRECTOR OF THE DEPARTMENT OF
INSURANCE Rep. Stavrinakis**

Currently, the Director of the Department of Insurance is appointed by the Governor upon the advice and consent of the Senate. This bill provides for the election of the Director of the Department of Insurance by the qualified electors in the general election. Among other things, the legislation sets forth certain qualifications for the director and makes various other changes to conform to having the director elected rather than appointed.

H.4211 AUTHORITY OF LOCAL GOVERNMENTS Rep. Bales

This bill provides a local governing body with the authority to limit or regulate the hours of operation on a reasonable basis of certain establishments licensed to sell beer, wine, or alcoholic liquors for on-premises consumption.

**H.4212 OFFENSE OF DISTURBING SCHOOLS MUST BE TRIED IN
SUMMARY COURT Rep. Jennings**

Relating to the offense of disturbing schools, this bill requires violations of the statute to be tried in summary court.

H.4213 ANIMAL FIGHTING AND BAITING Rep. G. M. Smith

Relating to the offense of animal fighting and baiting and its penalties, this bill further adds that it is unlawful to possess, train, transport, or sell an animal with the intent that the animal be engaged in animal fighting and baiting.

**H.4214 CREATION OF THE OFFENSE OF THREATENING OR INTIMIDATING
A PROCESS SERVER OR LICENSED PRIVATE INVESTIGATOR
Rep. G. M. Smith**

This bill creates the offense of threatening or intimidating a process server or licensed private investigator or any members of their immediate family. Violations are misdemeanors.

**H.4215 REQUIRED NOTICE WHEN APPEALING A DECISION OF A
MAGISTRATE Rep. Harrison**

This bill provides that an appellant must serve a notice of appeal of a decision of a magistrate upon the officer or attorney who prosecuted the case in addition to the magistrate who tried the case.

H.4217 PROHIBITION ON CERTAIN ATTORNEYS REPRESENTING THE STATE Rep. G. M. Smith

Under this bill an attorney, his law firm, and any of the law firm's entities or subsidiaries engaged in a civil lawsuit against the State in which the State or a political subdivision of the State is a party defendant in the civil action and incurs attorney's fees in defense of the action, are prohibited from representing the State or any of its political subdivisions in a civil action for a period of three years from the filing of the civil lawsuit against the State.

H. 4234 TRAINING REGARDING EPILEPSY Rep. J.E. Smith

This bill requires mandatory training for all law enforcement officers, emergency medical service personnel, and first responders on responding to or treating an individual who is having a seizure or in a post epileptic state. Such training is to educate regarding epilepsy and the management of someone in an epileptic state. The bill requires respect for such individuals; under certain conditions, limits the physical restraint or subduing of said persons; and, also requires the effort to determine if they have identification indicating their medical condition; and, requires penalties for the violation of the section.

H. 4239 WAIVER OF POA FILING FEES FOR COMBAT DEPLOYED MILITARY Rep. Miller

This bill waives power of attorney filing fees for combat deployed members of the armed forces.

H. 4240 AMENDMENT TO SC CONSTITUTION REGARDING HEALTH CARE FREEDOM OF CHOICE Rep. Duncan

A Constitutional amendment prohibiting enactment of any law restricting freedom of choice of private health care systems or private health insurance plans or that interferes with an individual's or entity's ability to pay directly for lawful medical services or that imposes a fine or penalty of any type for choosing to obtain or decline health care coverage or for participating in any particular health care system or plan.

H. 4271 RESTRICTIONS ON PUBLIC OFFICIALS; CHANGES TO THE STATEMENT OF ECONOMIC INTEREST Rep. Haley

This bill prohibits officials and related parties from entering into contracts with the state. Also, beginning in 2010, statements of economic interest filed by members of the General Assembly are due January 10 and members must report all sources of earned income whether from public or private sources, including fees or retainers itemized by client name and amount.

H. 4273 RESTAURANT DONATIONS OF FOOD AND LIABILITY Rep. Gilliard

While not superseding any current law, this bill allows restaurants to enter into agreements with churches and charitable organizations that feed the needy regarding the donation of food as regards legal liability.

H. 4275 TERM LIMITS Rep. Haley

A Constitutional amendment restricting service in the House to four terms, the Senate to two terms and a total of twelve years in the General Assembly, extending to former members. Phased-in over three elections based on seniority.

H. 4276 DISPLAY OF THE UNITED STATES FLAG Rep. Horne

This bill amends (also retroactively) provisions to fly the United States flag under homeowner association laws. Strengthens language that homeowners associations shall not prohibit the display of the American flag. Conforms references to the US Code. Adds a new section allowing flagpoles.

H. 4277 NEW PENALTIES FOR DRIVE-BY SHOOTINGS Rep. Gilliard

This bill adds the offense of “drive-by shooting” to the code of laws, provides for a penalty of 25 years to life and establishes the category as an aggravating circumstance.

H. 4278 MAGISTRATE CANDIDATES RECOMMENDED BY THE COUNTY DELEGATIONS Rep. Mitchell

This bill establishes screening procedures to enable county delegations to make binding recommendations regarding Magistrate appointments. Adds procedures and process regarding records, public statements, hearings, review of qualifications, interviews, powers to the delegation (including subpoena powers). To include consideration of race, gender, national origin and demographic factors. Authorizes the delegation to investigate a candidate. Establishes procedures for those interested to seek the office of Magistrate. Considerations of a candidate by the delegation are expanded to include statutory qualifications; ethical fitness; professional and academic ability; character; reputation; physical health; mental stability; experience; and judicial temperament.

H. 4286 ABSENTEE BALLOTS Rep. J.E. Smith

This bill deletes the requirement that the signature or mark of an absentee applicant or voter be witnessed.

H. 4255 CONTROLLED SUBSTANCES LAW Rep. Harrison

This bill conforms South Carolina law with Federal law regarding controlled substances and also changes language from “grain” to “gram.”

H. 4256 ADDITIONS TO REASONS FOR COMMUNICATION INTERRUPTION BY SLED Rep. Harrison

This bill adds reasons for which SLED may interrupt phone or internet communications (also issuing administrative subpoenas) in order to safeguard the public (threats to persons, hostage situations, resisting arrest with weapons, possibility of suicide, etc.). Expands “good faith” coverage to internet providers and under the administrative subpoenas.

H. 4287 HOMELAND SECURITY ISSUES Rep. Harrison

This bill exempts information designated as law enforcement sensitive for homeland security purposes.

H. 4288 PENALTIES FOR DISCRIMINATION Rep. Spires

This bill allows the State Human Affairs Commission to assess a civil penalty for discrimination - not to exceed fifty thousand dollars to be deposited in the General Fund.

LABOR, COMMERCE AND INDUSTRY

H.4171 SOUTH CAROLINA TO OPT OUT OF A FEDERAL PUBLIC PLAN HEALTH INSURANCE OPTION Rep. Scott

This bill provides that if provisions of federal law mandate that all citizens, with certain exceptions, purchase or secure health insurance coverage through a range of options one of which is to purchase or secure health insurance coverage through a public plan underwritten in whole or in part by the federal government, and the public plan permits states to 'opt out' of this public option, the State of South Carolina hereby 'opts out' and declines to have this public plan option apply to or be available to the citizens of this state.

**H.4181 PROPOSED STATE CONSTITUTIONAL AMENDMENT ON THE
PRESERVATION OF THE RIGHTS OF SOUTH CAROLINIANS
REGARDING THE PROVISION OF HEALTH CARE SERVICES
Rep. Scott**

This joint resolution proposes to amend the declaration of rights of the South Carolina Constitution by adding a new section preserving the freedom of South Carolinians with respect to the providing of health care services by: prohibiting any law, regulation, or rule to compel an individual, employer, or health care provider to participate in a health care system; allowing individuals and employers to pay directly for lawful health care services without penalties or fines for these direct payments; providing that the purchase or sale of health insurance in private health care systems must not be prohibited by law, regulation, or rule; and, providing those incentives in which the rights provided by this section do not apply.

**H.4198 HEALTH INSURERS PROHIBITED FROM DISCRIMINATING BASED
UPON ABUSE Rep. Erickson**

This bill provides that it is unfair discrimination for an insurer to deny, refuse to issue or renew, cancel, restrict or exclude coverage, deny a claim or limit payments, or add a premium differential to a policy or certificate of coverage on the basis that an applicant or insured has been or is perceived to have been abused or may be a subject of abuse. The legislation establishes penalties, including fines up to two hundred thousand dollars.

**H.4209 PROHIBITION OF A FORMER PUBLIC SERVICE COMMISSIONER
FROM BEING EMPLOYED OR RETAINED FOR A PERIOD OF FIVE
YEARS FOLLOWING SERVICE Rep. J. R. Smith**

This bill revises the prohibition of a former public service commissioner from being employed or retained for a period of one year following his service as a commissioner, so as to extend that prohibition to a five year period.

H.4228 "DEBT COLLECTION AGENCY LICENSING ACT" Rep. Cobb-Hunter

This bill enacts the "Debt Collection Agency Licensing Act" to provide for the licensure and regulation of debt collection agencies by the Department of Consumer Affairs. The legislation provides for: licensure requirements, including fees, surety bonds, and record keeping requirements; grounds for denial, revocation, or suspension of a license; license renewal procedures and requirements, including continuing education; debt collection procedures; and civil and criminal penalties for violations.

**H.4235 REGULATION OF TALENT AGENCIES AND TALENT AGENTS
Rep. J. E. Smith**

This bill provides for the regulation of talent agencies and talent agents by the Department of Labor, Licensing and Regulation. The legislation creates a South Carolina Board of Talent Agencies and Talent Agents and provides for the board members' appointment, terms of office, and appointment of successors. The legislation

prohibits a person from engaging in the work of a talent agency or talent agent without obtaining a license from the Department of Labor, Licensing and Regulation. The legislation specifies certain obligations of a talent agency or talent agent and conduct prohibited of a talent agency or talent agent.

H.4241 RENEWABLE ENERGY Rep. G. M. Smith

This bill creates the "South Carolina Renewable Energy Plan" to authorize the Public Service Commission to approve renewable energy projects to demonstrate the feasibility and viability of clean energy systems. The legislation provides for full cost recovery for certain costs incurred by a provider for a renewable energy project. The legislation requires each municipal electric utility, each rural electric cooperative, and the Public Service Authority to develop standards for promotion, encouragement, and expansion of renewable energy resources and to require reporting requirements for this information. The legislation establishes the South Carolina Renewable Energy Infrastructure Development Fund in the State Treasury. The legislation creates the South Carolina Renewable Energy Revolving Loan Program to provide a low interest loan to an individual or organization to build a qualified renewable energy production facility. The legislation creates the South Carolina Renewable Energy Grant Program to provide a grant to a private or public entity in this state to help the entity become more competitive in obtaining grants to generate renewable energy-related research and projects to directly benefit this state. The legislation establishes an oversight committee to approve a disbursement from the fund. The legislation revises the definition of "qualified expenditures for research and development" within the biodiesel expenditures income tax credit provisions. The legislation revises the definition of "biomass resource" within the provisions for tax credits for alternative fuels and other energy sources. The legislation defines "biomass" and adds additional categories for matching grants within the South Carolina Renewable Energy Infrastructure Development Trust Fund provisions.

H.4252 VOLUNTEER LICENSED DRIVER TRANSPORTING A DISABLED PERSON IS NOT LIABLE FOR MONETARY DAMAGES EXCEEDING POLICY LIMITS Rep. Horne

This bill provides that a licensed driver, receiving no compensation, while transporting a physically or mentally disabled person, is not liable for damages above the limits of the insurance policy of the driver resulting in an accident, except in the case of gross negligence.

H.4254 MICROBUSINESS OR MICROENTERPRISE Rep. Dillard

This bill revises Department of Commerce provisions to define a microbusiness or microenterprise as a sole proprietorship, partnership, or corporation that has fewer than five employees and generally lacks access to conventional loans, equity, or other banking services.

H.4257 AFFIRMATIVE DUTY OF AN INSURER TO RELEASE ALL DATA ON WHICH AN INSURANCE RATE INCREASE IS BASED Rep.

Stavrinakis

This bill provides that the director, an individual, bureau, or insurer, before an insurance rate increase is effective, has an affirmative duty to release all data on which the rate increase is based to all insureds affected by the rate increase.

H.4258 ACCIDENT AND HEALTH INSURERS PROHIBITED FROM

**CONSIDERING A CRIME VICTIM'S INJURIES A PREEXISTING
CONDITION Rep. Stavrinakis**

This bill provides that a company issuing accident and health insurance may not assert the existence of a preexisting condition to deny or limit coverage to an insured when the injury or condition was sustained by him as the victim of a criminal act.

**H.4264 STUDY COMMITTEE TO REVIEW THE LICENSURE AND
REGULATION OF DEBT COLLECTION AND RECOVERY AGENCIES
Rep. Kirsh**

This joint resolution creates a study committee to review, study, and make recommendations concerning the licensure and regulation of debt collection and recovery agencies. The legislation provides for the membership of the study committee, and requires the committee to report its findings and recommendations to the General Assembly no later than February 1, 2011, at which time the study committee is abolished.

**H.4274 ELECTRICAL UTILITIES MUST COMPLY WITH REASONABLE
RESTRICTIVE COVENANTS IN INSTALLING POWER LINES
THROUGH THEIR RIGHTS-OF-WAY Rep. White**

This bill provides that any electrical utility operating in this State in installing power lines through its rights-of-way must comply with all restrictive covenants applicable to real property on or abutting the rights-of-way determined by the Public Service Commission to be reasonable for the protection or enjoyment of the property by the residents.

H.4284 "PERSONAL PROPERTY RECOVERY ACT" Rep. Cobb-Hunter

This bill enacts the "Personal Property Recovery Act" which establishes the licensure and regulation of recovery agencies and recovery agents by the Department of Consumer Affairs. The legislation provides: licensure requirements, including fees, surety bonds, and record keeping requirements; grounds for denial, revocation, or suspension of a license; license renewal procedures and requirements, including continuing education; personal property recovery procedures; and, civil and criminal penalties for violations.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4216 COMMUNITY RESIDENTIAL CARE FACILITY STAFF Rep. Huggins

This bill states that, under established medical protocol, a trained community residential care facility staff member may administer injections of medications for diabetes, osteoporosis, and conditions associated with anaphylactic reactions.

H.4262 CORRECTIONAL FACILITY MEDICAL TESTING Rep. Dillard

This bill states that persons who are confined in a local or state correctional facility shall submit to an HIV test before their expected date of discharge from the facility. It also outlines that counseling must be provided if a person tests positive for HIV.

H.4265 CHILDCARE FACILITIES Rep. J. E. Smith

This bill adds that the Department of Social Services shall promulgate regulations establishing a voluntary rating system for all licensed or registered childcare facility. The rating system must be based on program standards, education levels of staff and compliance history of the facility.

WAYS AND MEANS

H.4170 LOCAL OPTION TOURISM DEVELOPMENT FEE REVENUES

Rep. Clemmons

This bill revises local option tourism development fee provisions to allow amounts up to twenty percent of the revenue to be used for property tax relief for owner-occupied residential property and for tourism-related capital projects beginning in the second rather than the third year of imposition of the fee. The legislation requires the amounts used for these purposes to be retained by the municipality with at least twenty percent of the amount returned used as a credit against the property tax liability of owner-occupied residential property. The legislation specifies how the credit is to be calculated. The legislation provides for the use of credits when the municipal property tax liability has been exceeded.

H.4172 COUNTY GOVERNMENT EMPLOYEE FURLOUGH PROGRAM

Rep. Forrester

This bill establishes a procedure for a county governing body to institute an employee furlough program. A county is not precluded from implementing other lawful furlough programs that are not in conformity with the requirements of this legislation.

H.4173 RENOVATION OF STATE-OWNED HISTORIC OR ARCHITECTURALLY SIGNIFICANT BUILDINGS

Rep. Limehouse

This bill provides that, at the request of the legislative delegation of a county in which an historic or architecturally significant building or structure in need of repair is located, which is owned by a state agency or department or by a program or trust administered by the agency or department, the agency upon approval of its governing body or official in charge shall present within ninety days of the request a plan of renovation to the delegation and to the chairmen of the House Ways and Means Committee and the Senate Finance Committee if additional funding is needed to complete the renovations.

H.4174 PROPERTY CONVEYANCES TO CHILDREN THAT ARE NOT CONSIDERED ASSESSABLE TRANSFERS OF INTEREST FOR TAXATION PURPOSES

Rep. Harvin

This bill revises provisions for determining when a parcel of real property must be appraised for taxation purposes, so as to provide that a conveyance to a trust does not constitute an assessable transfer of interest in the real property if the settlor or settlor's spouse conveys the property to a trust the beneficiaries of which are a child or children of the settlor or the settlor's spouse. The legislation provides that a conveyance by distribution under a will or by intestate succession does not constitute an assessable transfer of interest in the real property if the distributee is a child or children of a decedent and the decedent did not have a spouse at the decedent's date of death.

**H.4176 MORATORIUM ON REIMBURSEMENTS FOR ALL NONESSENTIAL
STATE EMPLOYEE TRAVEL EXPENSES** Rep. King

This joint resolution imposes a moratorium on reimbursements paid in connection with all nonessential state employee travel and associated meals and lodging through June 30, 2010. The resolution provides that the Office of Human Resources of the State Budget and Control Board shall publish guidelines defining essential travel qualifying for reimbursement.

**H.4177 NOTIFICATION REQUIREMENTS FOR CHANGES IN A
TRANSFERRED PROPERTY'S AGRICULTURAL USE TAX
CLASSIFICATION** Rep. Umphlett

This bill requires the transferor of real property receiving the agricultural use classification to provide written notice to the transferee before closing that the property is receiving the agricultural use classification and the transfer may result in the imposition of rollback taxes if the use of the property has been changed by the transferor or will be changed by the transferee.

**H.4178 SALES TAX EXEMPTION FOR MACHINERY USED IN COMMERCIAL
ANIMAL HUSBANDRY** Rep. M. A. Pitts

This bill extends the sales tax exemption allowed farm machinery used in planting, cultivating, or harvesting farm crops to machinery, including all-terrain vehicles, used in commercial animal husbandry. The legislation provides for certain retroactive applications of the additional exemption.

**H.4179 PROPERTY TAX EXEMPTION FOR IMPROVEMENTS TO REAL
PROPERTY CONSISTING OF UNSOLD AND UNOCCUPIED
COMMERCIAL STRUCTURES, INDIVIDUAL UNITS IN COMMERCIAL
STRUCTURES AND INDIVIDUAL UNITS IN RESIDENTIAL
STRUCTURES** Rep. Clemmons

This joint resolution exempts from property tax otherwise taxable value of improvements to real property consisting of unsold and unoccupied commercial structures, individual units in commercial structures, and individual units in residential structures. The resolution provides that the exemption is available for property tax years beginning after 2009 through the earlier of the property tax year in which the property is sold or otherwise occupied or the property tax year ending December 31, 2015.

**H.4180 INCREASE OF THE HOMESTEAD PROPERTY TAX EXEMPTION
ALLOWED FOR THOSE WHO ARE OVER THE AGE OF SIXTY-FIVE
YEARS, DISABLED, OR LEGALLY BLIND** Rep. Scott

This bill revises the homestead property tax exemption allowed persons over the age of sixty-five years, or disabled, or legally blind, so as to increase the exemption amount from the first fifty thousand dollars to the first one hundred thousand dollars of the fair market value of the homestead.

**H.4193 COUNTIES AND MUNICIPALITIES PROHIBITED FROM IMPOSING A
FEE OR SEEKING REIMBURSEMENT FOR COSTS OF
RESPONDING
TO A MOTOR VEHICLE ACCIDENT** Rep. Cooper

This bill prohibits a municipality or county, or a unit or agency of it, from imposing a fee or seeking reimbursement of costs or expenses incurred as a result of responding to a

motor vehicle accident. Exceptions are provided. The legislation permits a unit of government to seek to collect from another unit of government the reasonable costs incurred for responding to a motor vehicle accident outside its jurisdiction.

H.4195 “SOUTH CAROLINA RURAL PRIMARY CARE PHYSICIAN LOAN REPAYMENT PROGRAM” Rep. H.B. Brown

This bill establishes the “South Carolina Rural Primary Care Physician Loan Repayment Program.” The legislation provides for: a program advisory board; criteria by which physicians may be selected; penalties for noncompliance with the program; and, the appropriation of funds for the program.

**H.4200 EXTRAORDINARY RETAIL OR TOURISM ESTABLISHMENT
Rep. Cato**

This bill revises the definition for an “extraordinary retail establishment” under the Tourism Infrastructure Admissions Tax Act by including within that definition “an extraordinary tourism establishment.” The legislation revises the requirements to qualify as “an extraordinary retail or tourism establishment” and for the designation of such establishments by the Department of Parks, Recreation and Tourism, so as to eliminate the limit on such designations, add additional infrastructure improvement costs which may be included with respect to the construction of such facilities, and revise the requirements relating to the conditional certification of the qualification on these facilities.

**H.4203 “EMPLOYMENT SECURITY FUNDING AND REFORM ACT”
Rep. Bingham**

This bill enacts the “Employment Security Funding and Reform Act.”

H.4220 “SECOND AMENDMENT RECOGNITION ACT” Rep. M. A. Pitts

This bill reenacts the “Second Amendment Recognition Act” so as to establish a sales tax exemption on the sale of handguns, rifles, and shot guns on the Friday and Saturday after Thanksgiving of every year.

**H.4221 COUNTY AND MUNICIPAL ADVISORY COMMITTEES MAKING
RECOMMENDATIONS ON THE EXPENDITURE OF REVENUES OF
THE STATE ACCOMMODATIONS TAX Rep. Miller**

This bill revises provisions relating to the establishment, membership, duties, and functions of county and municipal advisory committees making recommendations on the expenditure of revenues of the state accommodations tax, so as to eliminate the requirement that the members appointed to donor county advisory committees represent the geographic area where the majority of the revenue is derived.

**H.4222 PROPOSED STATE CONSTITUTIONAL AMENDMENT AUTHORIZING
CHARITABLE ORGANIZATIONS TO CONDUCT RAFFLES
Rep. M. A. Pitts**

This joint resolution proposes to amend the South Carolina Constitution’s prohibition on lotteries so as to provide that the General Assembly shall enact a general law authorizing a charitable organization to conduct a raffle. The general law is to define the type of organization allowed to conduct a raffle, provide the standards for the conduct and management of the raffle, provide penalties for violations, and ensure the proper functioning, honesty, integrity, and charitable purposes for which the raffle is conducted.

H.4229 “ALTERNATE LOCAL OPTION TOURISM DEVELOPMENT FEE ACT”

Rep. Herbkersman

This bill enacts the "Alternate Local Option Tourism Development Fee Act" so as to allow a municipality located within a county in which at least five million dollars of state accommodations tax revenues have been collected in a fiscal year and county annual per capita personal income is at least forty thousand dollars to impose a fee not to exceed one percent of amounts subject to the South Carolina Sales and Use Tax Act, for not more than ten years. The legislation provides that a municipality may impose the fee by ordinance and provides for the administration of the fee. The legislation establishes the uses for which the fee revenue must be applied, including tourism promotion, property tax credits, and capital projects promoting tourism causes.

**H.4230 DEDUCTION OF ACTIVE DUTY MILITARY RETIREMENT BENEFITS
FROM STATE INDIVIDUAL INCOME TAX Rep. Scott**

This bill revises deductions from South Carolina taxable income of individuals for purposes of the South Carolina Income Tax Act, so as to allow the deduction of retirement benefits attributable to service on active duty in the armed forces of the United States. The legislation provides for the deduction to be phased in over four years

**H.4231 TAX LIENS AND INSTALLMENT PAYMENT AGREEMENTS
BETWEEN THE TAXPAYER AND THE DEPARTMENT OF REVENUE
Rep. J. E. Smith**

This bill prohibits the Department Of Revenue from filing a tax lien to enforce any tax liability the payment of which is the subject of an installment payment agreement between the taxpayer and the Department of Revenue and with which the taxpayer has fully complied.

H.4232 "SOUTH CAROLINA TAXPAYER PROTECTION ACT" Rep. Haley

This bill enacts the "South Carolina Taxpayer Protection Act." The legislation provides that the limit on general fund appropriations for a fiscal year is the total amount of the general fund revenue estimate as of February fifteenth for fiscal year 2010-2011, increased annually and cumulatively by a percentage determined by population increases and increases in the consumer price index. The legislation provides for this limitation to be suspended for a fiscal year for a specific amount upon a declaration of financial emergency by the Governor and upon a special vote of the General Assembly. The legislation establishes the Spending Limit Reserve Fund to which all surplus general fund revenues must be credited and to provide that all revenues in the fund must be refunded to taxpayers by means of temporary tax cuts. The legislation requires the annual state budget to employ a zero-based budget process in both the preparation of the Governor's proposed state budget and in the General Assembly's consideration of the state budget. The legislation requires the most recent iteration of the annual general appropriations bill to be available for viewing on the General Assembly's website at least three statewide legislative days before the legislative day the final vote is taken on the bill.

**H.4233 DEFINITION OF "BEER" UNDER THE BEER AND WINE LICENSE
TAX**

Rep. Harrison

This bill conforms the definition of "beer" under the Beer and Wine License Tax with the revised definition for "beer" provided by law for the regulation of beer and wine sales and consumption.

**H.4236 OWNER-OCCUPIED RESIDENTIAL PROPERTY SPECIAL TAX
ASSESSMENT RATIO FOR A SINGLE-MEMBER LIMITED LIABILITY
COMPANY Rep. J.E. Smith**

This bill revises the classification of property and the applicable valuation assessment ratios for purposes of the property tax, so as to provide that a single-member limited liability company (LLC) owning residential real property where the single member is an individual and the LLC is not taxed as a corporation qualifies for the special assessment ratio allowed owner-occupied residential property if the LLC meets all requirements for that special assessment ratio.

**H.4237 PROPOSED CONSTITUTIONAL AMENDMENT ON COUNTY
PROPERTY TAX ASSESSORS Rep. Clemmons**

This joint resolution proposes to amend the South Carolina Constitution to provide that the qualified electors of each county shall elect a county property tax assessor. The county property tax assessor shall serve for a term of four years and until his successor is elected and qualifies. The General Assembly by general law shall provide for the election, duties, qualifications, and compensation of county property tax assessors.

H.4238 COUNTY PROPERTY TAX ASSESSORS Rep. Clemmons

This bill provides that county property tax assessors must be elected for a term of four years, beginning with the 2012 general election. The legislation establishes qualifications and salary requirements.

**H.4245 PROPOSED STATE CONSTITUTIONAL AMENDMENT AUTHORIZING
CHARITABLE ORGANIZATIONS TO CONDUCT RAFFLES Rep. Merrill**

This joint resolution proposes to amend the South Carolina Constitution's prohibition on lotteries so as to provide that the General Assembly may allow raffles to be conducted by charitable or nonprofit organizations and by general law must define the type of organization allowed to conduct raffles, provide the standards for the conduct and management of the raffles, provide penalties for violations, and provide for any other law necessary to assure the proper functioning, honesty, integrity, and charitable purposes for which the raffles are conducted.

H.4247 EDUCATION FINANCE REVISIONS Rep. Merrill

This bill amends the Education Finance Act of 1977, so as to: revise the manner in which weightings used to provide for relative cost differences between students are determined. The legislation revises the manner in which school district funding is distributed under the EFA, including eliminating the index of taxpaying ability, renaming "base student cost" as "weighted student cost", and modifying the formula for computing weighted student cost, and to require the General Assembly beginning with fiscal year 2010-2011 to provide allocations to schools based on the full amount of weighted student cost. The legislation provides that allocations made to schools under the Education Improvement Act must be disbursed directly to individual schools without regard to a designated purpose in the same manner and formula as contained in the Education Finance Act. The legislation eliminates provisions relating to the level of financial effort per pupil required of school districts.

**H.4249 INCREASES IN STATE INDIVIDUAL INCOME TAX CREDITS FOR
TUITION PAYMENTS Rep. Gunn**

This bill revises the refundable state individual income tax credits for tuition payments, so as to increase the amount of credit for tuition to four-year institutions to one thousand six hundred fifty dollars and to increase the amount of credit for tuition to two-year institutions to six hundred fifty dollars.

H.4266 PROGRAMMATIC FORMAT REQUIRED FOR STATE BUDGET

Rep. J. E. Smith

This bill requires the Governor's annual state budget recommendation and the reports of the House Ways and Means Committee and the Senate Finance Committee on the annual general appropriations act to be in a programmatic format by providing a narrative description of each separate program administered by a state agency. The legislation requires the budget recommendation for an agency to include an overall budget recommendation by budget category and a similar recommendation for each separate program administered by the agency and the specific source of funds appropriated for the agency.

H.4267 GAMBLING AND LOTTERIES Rep. Merrill

This bill revises provisions governing gambling and lotteries. The legislation increases and makes uniform penalties for unlawful lotteries and gambling. The legislation provides that social gambling is not unlawful and clarifies that games of skill or chance in which no betting occurs are not unlawful. The legislation allows charitable organizations to conduct raffles and special limited charity fundraising events. The legislation defines the type of organization allowed to conduct these events and provides standards for the management and conduct of these events. The legislation provides penalties for violations.

H.4268 REAL PROPERTY TAX EXEMPTION SUFFICIENT TO LIMIT THE INCREASE IN THE FAIR MARKET VALUE OF TRANSFERRED PROPERTY TO FIFTEEN PERCENT Rep. Bowen

This bill exempts an amount of fair market value of a parcel of real property and improvements thereon as determined by the appraisal resulting from an assessable transfer of interest sufficient to limit the increase in the fair market value of the parcel to fifteen percent of its value on the assessor's books. The legislation provides that fair market value as reduced by this exemption is the value to which the constitutional cap on increases to fifteen percent over five years applies. The legislation provides that this exemption continues until the property undergoes a subsequent assessable transfer of interest and provides that this exemption does not apply to previously untaxed additions or improvements. The legislation requires the property tax assessor to apply the exemption retroactively to fair market value determined at the time of assessable transfers of interest occurring in 2007, 2008, and in 2009, and provides that no refund is allowed based on those adjusted values.

H.4269 CONSERVATION BANK ACT REVISIONS Rep. Herbkersman

This bill revises the South Carolina Conservation Bank Act, so as to eliminate a provision which provides that no further deed recording fees or other funds may be credited to the Conservation Bank Trust Fund in any year when a majority of state agency appropriations are reduced in the annual general appropriations act or when the State Budget and Control Board imposes across the board cuts. The legislation instead provides for a reduction on a percentage basis in the amount of deed recording fees which may be transferred to the trust fund. The legislation extends the expiration date of

the Conservation Bank Act provisions and other related dates pertaining to the closure of the Conservation Bank Act and Conservation Bank Fund.

H.4270 PROPOSED STATE CONSTITUTIONAL AMENDMENT AUTHORIZING CHARITABLE ORGANIZATIONS TO CONDUCT RAFFLES Rep.

Merrill

This joint resolution proposes to amend the South Carolina Constitution's prohibition on lotteries so as to provide that the General Assembly shall enact a general law authorizing a charitable organization to conduct a raffle, and which defines the type of organization allowed to conduct a raffle, provides the standards for the conduct and management of the raffle, provides penalties for violations, and ensures the proper functioning, honesty, integrity, and charitable purposes for which the raffle is conducted.

H.4272 REVISIONS TO THE INCOME TAX CREDIT FOR PLUG-IN HYBRID VEHICLES Rep. Merrill

This bill revises the income tax credit for plug-in hybrid vehicles, so as to: revise the definition of "plug-in hybrid vehicle"; raise the aggregate amount of the credit available each fiscal year; eliminate its expiration date; and provide that the credit shall be allocated to eligible claimants during a fiscal year on a first-come, first-serve basis.

H.4283 "SOUTH CAROLINA SMALL BUSINESS AND GREEN JOBS MICRO LOAN AND MICRO GRANT PROGRAM ACT" Rep. Gunn

This bill establishes in the State Energy Office the South Carolina Small Business and Green Jobs Micro Loan and Micro Grant Program. The legislation establishes a fund to provide loans and grants. The legislation provides that the program, loans, and grants be administered by the University of South Carolina Small Business Development Center. The legislation creates an advisory committee to the program and to define the committee's membership. The legislation defines the purposes for which a grant or loan may be made by the program.

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